

107TH CONGRESS
1ST SESSION

S. 442

To exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2001

Mr. CAMPBELL (for himself and Mr. HATCH) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Law Enforcement Pro-
5 tection Act of 2001”.

1 **SEC. 2. EXEMPTION OF QUALIFIED CURRENT AND FORMER**
 2 **LAW ENFORCEMENT OFFICERS FROM STATE**
 3 **LAWS PROHIBITING THE CARRYING OF CON-**
 4 **CEALED FIREARMS.**

5 (a) IN GENERAL.—Chapter 44 of title 18, United
 6 States Code, is amended by inserting after section 926A
 7 the following:

8 **“SEC. 926B. CARRYING OF CONCEALED FIREARMS BY**
 9 **QUALIFIED CURRENT AND FORMER LAW EN-**
 10 **FORCEMENT OFFICERS.**

11 “(a) IN GENERAL.—Notwithstanding any provision
 12 of the law of any State or any political subdivision of a
 13 State, an individual may carry a concealed firearm if that
 14 individual is—

15 “(1) a qualified law enforcement officer or a
 16 qualified former law enforcement officer; and

17 “(2) carrying appropriate written identification.

18 “(b) EFFECT ON OTHER LAWS.—

19 “(1) COMMON CARRIERS.—Nothing in this sec-
 20 tion shall be construed to exempt from section
 21 46505(B)(1) of title 49—

22 “(A) a qualified law enforcement officer
 23 who does not meet the requirements of section
 24 46505(D) of title 49; or

25 “(B) a qualified former law enforcement
 26 officer.

1 “(2) FEDERAL LAWS.—Nothing in this section
 2 shall be construed to supersede or limit any Federal
 3 law or regulation prohibiting or restricting the pos-
 4 session of a firearm on any Federal property, instal-
 5 lation, building, base, or park.

6 “(3) STATE LAWS.—Nothing in this section
 7 shall be construed to supersede or limit the laws of
 8 any State that—

9 “(A) grant rights to carry a concealed fire-
 10 arm that are broader than the rights granted
 11 under this section;

12 “(B) permit private persons or entities to
 13 prohibit or restrict the possession of concealed
 14 firearms on their property; or

15 “(C) prohibit or restrict the possession of
 16 firearms on any State or local government prop-
 17 erty, installation, building, base, or park.

18 “(4) DEFINITIONS.—In this section:

19 “(A) APPROPRIATE WRITTEN IDENTIFICA-
 20 TION.—The term ‘appropriate written identi-
 21 fication’ means, with respect to an individual, a
 22 document that—

23 “(i) was issued to the individual by
 24 the public agency with which the individual

1 serves or served as a qualified law enforce-
2 ment officer; and

3 “(ii) identifies the holder of the docu-
4 ment as a current or former officer, agent,
5 or employee of the agency.

6 “(B) FIREARM.—The term ‘firearm’
7 means, any firearm that has, or of which any
8 component has, traveled in interstate or foreign
9 commerce.

10 “(C) QUALIFIED FORMER LAW ENFORCE-
11 MENT OFFICER.—The term ‘qualified former
12 law enforcement officer’ means, an individual
13 who is—

14 “(i) retired from service with a public
15 agency, other than for reasons of mental
16 disability;

17 “(ii) immediately before such retire-
18 ment, was a qualified law enforcement offi-
19 cer with that public agency;

20 “(iii) has a nonforfeitable right to
21 benefits under the retirement plan of the
22 agency;

23 “(iv) was not separated from service
24 with a public agency due to a disciplinary

1 action by the agency that prevented the
2 carrying of a firearm;

3 “(v) meets the requirements estab-
4 lished by the State in which the individual
5 resides with respect to—

6 “(I) training in the use of fire-
7 arms; and

8 “(II) carrying a concealed weap-
9 on; and

10 “(vi) is not prohibited by Federal law
11 from receiving a firearm.

12 “(D) QUALIFIED LAW ENFORCEMENT OF-
13 FICER.—The term ‘qualified law enforcement
14 officer’ means an individual who—

15 “(i) is presently authorized by law to
16 engage in or supervise the prevention, de-
17 tection, or investigation of any violation of
18 criminal law;

19 “(ii) is authorized by the agency to
20 carry a firearm in the course of duty;

21 “(iii) meets any requirements estab-
22 lished by the agency with respect to fire-
23 arms; and

1 “(iv) is not the subject of a discipli-
 2 nary action by the agency that prevents
 3 the carrying of a firearm.”.

4 (b) CLERICAL AMENDMENT.—The chapter analysis
 5 for chapter 44 of title 18, United States Code, is amended
 6 by inserting after the item relating to section 926A the
 7 following:

“926B. Carrying of concealed firearms by qualified current and former law en-
 forcement officers.”.

8 **SEC. 3. AUTHORIZATION TO ENTER INTO INTERSTATE COM-**
 9 **PACTS.**

10 (a) IN GENERAL.—The consent of Congress is given
 11 to any 2 or more States—

12 (1) to enter into compacts or agreements for co-
 13 operative effort in enabling individuals to carry con-
 14 cealed weapons as dictated by laws of the State
 15 within which the owner of the weapon resides and is
 16 authorized to carry a concealed weapon; and

17 (2) to establish agencies or guidelines as they
 18 may determine to be appropriate for making effec-
 19 tive such agreements and compacts.

20 (b) RESERVATION OF RIGHTS.—The right to alter,
 21 amend, or repeal this section is hereby expressly reserved
 22 by Congress.

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